



General Assembly

January Session, 2017

***Raised Bill No. 836***

LCO No. 3883



Referred to Committee on ENVIRONMENT

Introduced by:  
(ENV)

***AN ACT CONCERNING CIVIL PENALTY REGULATIONS OF THE  
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 22a-6b of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (a) The Commissioner of Energy and Environmental Protection  
5 shall adopt regulations, in accordance with the provisions of chapter  
6 54, to establish a schedule setting forth the amounts, or the ranges of  
7 amounts, or a method for calculating the amount of the civil penalties  
8 which may become due under this section. Such schedule or method  
9 may be amended from time to time in the same manner as for  
10 adoption provided any such regulations which become effective after  
11 July 1, 1993, shall only apply to violations which occur after said date.  
12 The civil penalties established for each violation shall be of such  
13 amount as to insure immediate and continued compliance with  
14 applicable laws, regulations, orders and permits. Such civil penalties  
15 shall not exceed the following amounts:

16 (1) For failure to file any registration, other than a registration for a  
17 general permit, for failure to file any plan, report or record, or any  
18 application for a permit, for failure to obtain any certification, for  
19 failure to display any registration, permit or order, or file any other  
20 information required pursuant to any provision of section 14-100b or  
21 14-164c, subdivision (3) of subsection (b) of section 15-121, section 15-  
22 171, 15-172, 15-175, 22a-5, 22a-6, 22a-7, 22a-32, 22a-39 or 22a-42a, 22a-  
23 45a, chapter 441, sections 22a-134 to 22a-134d, inclusive, subsection (b)  
24 of section 22a-134p, section 22a-171, 22a-174, 22a-175, 22a-177, 22a-178,  
25 22a-181, 22a-183, 22a-184, 22a-208, 22a-208a, 22a-209, 22a-213, 22a-220,  
26 22a-220a, 22a-226e, 22a-231, 22a-241b, 22a-241k, 22a-241l, 22a-245a,  
27 22a-336, 22a-342, 22a-345, 22a-346, 22a-347, 22a-349a, 22a-354p, 22a-  
28 358, 22a-359, 22a-361, 22a-362, 22a-368, 22a-401 to 22a-405, inclusive,  
29 22a-411, 22a-416, 22a-417, 22a-424 to 22a-433, inclusive, 22a-447, 22a-  
30 449, 22a-450, 22a-451, 22a-454, 22a-458, 22a-461, 22a-462, [or] 22a-471,  
31 23-61b, 23-61h or 23-61k, or any regulation, order or permit adopted or  
32 issued thereunder by the commissioner, and for other violations of  
33 similar character as set forth in such schedule or schedules, no more  
34 than one thousand dollars for said violation and in addition no more  
35 than one hundred dollars for each day during which such violation  
36 continues;

37 (2) For deposit, placement, removal, disposal, discharge or emission  
38 of any material or substance or electromagnetic radiation or the  
39 causing of, engaging in or maintaining of any condition or activity in  
40 violation of any provision of section 14-100b or 14-164c, subdivision (3)  
41 of subsection (b) of section 15-121, section 15-171, 15-172, 15-175, 22a-5,  
42 22a-6, 22a-7, 22a-32, 22a-39 or 22a-42a, 22a-45a, chapter 441, sections  
43 22a-134 to 22a-134d, inclusive, section 22a-69 or 22a-74, subsection (b)  
44 of section 22a-134p, section 22a-162, 22a-171, 22a-174, 22a-175, 22a-177,  
45 22a-178, 22a-181, 22a-183, 22a-184, 22a-190, 22a-208, 22a-208a, 22a-209,  
46 22a-213, 22a-220, 22a-220a, 22a-226e, 22a-241b, 22a-241k, 22a-241l, 22a-  
47 336, 22a-342, 22a-345, 22a-346, 22a-347, 22a-349a, 22a-354p, 22a-358,  
48 22a-359, 22a-361, 22a-362, 22a-368, 22a-401 to 22a-405, inclusive, 22a-

49 411, 22a-416, 22a-417, 22a-424 to 22a-433, inclusive, 22a-447, 22a-449,  
50 22a-450, 22a-451, 22a-454, 22a-458, 22a-461, 22a-462, [or] 22a-471, 23-  
51 61b, 23-61h or 23-61k, or any regulation, order or permit adopted  
52 thereunder by the commissioner, and for other violations of similar  
53 character as set forth in such schedule or schedules, no more than  
54 twenty-five thousand dollars for said violation for each day during  
55 which such violation continues;

56 (3) For violation of the terms of any final order of the commissioner,  
57 except final orders under subsection (d) of this section and emergency  
58 orders and cease and desist orders as set forth in subdivision (4) of this  
59 subsection, for violation of the terms of any permit issued by the  
60 commissioner, and for other violations of similar character as set forth  
61 in such schedule or schedules, no more than twenty-five thousand  
62 dollars for said violation for each day during which such violation  
63 continues;

64 (4) For violation of any emergency order or cease and desist order of  
65 the commissioner, and for other violations of similar character as set  
66 forth in such schedule or schedules, no more than twenty-five  
67 thousand dollars for said violation for each day during which such  
68 violation continues;

69 (5) For failure to make an immediate report required pursuant to  
70 subdivision (3) of subsection (a) of section 22a-135, or a report required  
71 by the department pursuant to subsection (b) of section 22a-135, no  
72 more than twenty-five thousand dollars per violation per day;

73 (6) For violation of any provision of the state's hazardous waste  
74 program, no more than twenty-five thousand dollars per violation per  
75 day;

76 (7) For wilful violation of any condition imposed pursuant to  
77 section 26-313 which leads to the destruction of, or harm to, any rare,  
78 threatened or endangered species, no more than ten thousand dollars  
79 per violation per day;

80       (8) For violation of any provision of sections 22a-608 to 22a-611,  
81 inclusive, no more than the amount established by Section 325 of the  
82 Emergency Planning and Community Right-To-Know Act of 1986 (42  
83 USC 11001 et seq.) for a violation of Section 302, 304 or 311 to 313,  
84 inclusive, of said act.

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>from passage</i>	22a-6b(a)
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***Statement of Purpose:***

To authorize the establishment of civil penalties, by regulation, for certain violations pertaining to arborist licensing and recordkeeping and recycling recordkeeping and collection processes.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*